

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3971 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D P ENGINEERING WORKS

Versus

UNION OF INDIA

Appearance:

MR SS SHEVADE for Petitioners

MR JD AJMERA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. It is a matter of excess billing of telephone of the petitioner bearing No.42637. The excess billing is to the tune of Rs.4,208.50. This Court has protected the petitioner by granting interim relief in terms of para 10-(D) of the petition, which reads as under:

(D) Pending hearing and final disposal of this

petition restrain the Respondents from recovering Rs.4,208.50 and or disconnecting the Petitioner's connection bearing No.42637.

2. The learned counsel for the respondent, Shri J.D. Ajmera, relying on the decision of this Court, in the case of Govindbhai Premjibhai Chovatia v. The Chief General Manager, Gujarat Telecom Circle & Ors., reported in 1995(2) GLH 1041, contended that appropriate remedy for the petitioner is to approach to the Arbitration under the provisions of Section 7B of the Indian Telegraphic Act. However, the learned counsel for the petitioner fairly conceded that the petitioner may not have any objection to go for arbitration under the aforesaid provisions, but the respondent, in the meanwhile will disconnect the telephone for non payment of amount in dispute in this Special Civil Application.

3. The interim relief aforesaid continues for all these years and I consider it to be appropriate to dispose of this Special Civil Application in terms that the petitioner may approach for arbitration under Section 7B of the Indian Telegraphic Act within a period of one month from today and the Arbitrator shall decide the matter within six months thereafter. In the meanwhile, interim relief granted by this Court shall continue. However, continuation of interim relief will not mean to restrain the respondent from disconnecting the telephone connection of the petitioner for non payment of dues of telephone other than the dues in dispute. The telephone shall not be disconnected only for non payment of dues in dispute and not others. The writ petition is disposed of in aforesaid terms with no order as to costs. Rule disposed of accordingly.

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(sunil)